

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9515 of 2004

Between:

M/s. A S V RAO & CO, Rep. by its Proprietor A S V
Rao, S/o. Nagabhushnam, age 42, R/o. Qr. No. E-2, A
Colony VTPS IBRAHIMPATNAM - 521 456. Krishna
District.

..... PETITIONER

AND

1.A P Power Generation Corporation Ltd., Rep. by its
Chief Engineer (O & M) Vijayawada Thermal Power
Station, IBRAHIMPATNAM - 521 456, Krishna District.
2.Executive Director, Vijayawada Thermal Power Station,
IBRAHIMPATNAM - 521 456, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the Lr.No. ED/VTPS/T2/F/D No. 1200/2004 dt/ 30-4-2004 of the 2nd respondent herein black listing the petitioner firm as arbitrary, illegal, capricious and violative of fundamental rights guaranteed to the petitioner under Art 14, 19 (1)(g) and 21 of the Constitution of India and Consequently set aside the same and pass such other orders as may be deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court made the following:

ORDER:

This writ petition is filed by the petitioner being aggrieved by the proceedings of the second respondent dated 30.04.2004 under which the petitioner, who is a contractor with the first respondent-Corporation, was black-listed without issuing any notice or opportunity to show-cause before passing the impugned order.

2. According to the petitioner, he is a registered contractor and he was carrying on the contract works of the first respondent for the last 15 years without any remark against him. It is also stated that the petitioner was entrusted with number of works which according to the petitioner, are still to be completed. While so, the impugned order of black listing him was passed all of a sudden without issuing any notice or putting him on notice.

3. When the matter came up for hearing yesterday, after hearing, this Court inclined to pass an order quashing the impugned order for violation of principles of natural justice. But, the learned Standing Counsel at that stage, sought for time till today to get instructions and on instructions, it is reported that the second respondent did not follow the principles of natural justice before passing

the impugned order.

4. As the impugned order is affecting the civil rights of the petitioner and as no such order could be passed violating principles of natural justice, the impugned order is liable to be set aside and the same is accordingly set aside. However, it is always open to the respondents to take appropriate action, if they choose so to proceed or to take any action against the petitioner.

5. Accordingly, the writ petition is disposed of. No costs.

16th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

- 1.A P Power Generation Corporation Ltd., Rep. by its Chief Engineer (O & M) Vijayawada Thermal Power Station, IBRAHIMPATNAM - 521 456, Krishna District.
- 2.Executive Director, Vijayawada Thermal Power Station, IBRAHIMPATNAM - 521 456, Krishna District.
- 3.Two CDs.